

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FRANK ROBERT STELLNER,

Petitioner,

Case No. 1:07-cv-503

v

HON. JANET T. NEFF

KENNETH ROMANOWSKI,

Respondent.

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**FINAL ORDER**

This is a habeas corpus petition filed pursuant to 28 U.S.C. § 2254. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation, recommending that this Court dismiss the petition for failure to state a meritorious federal claim. The matter is presently before the Court on petitioner's objections to the Report and Recommendation. Petitioner has also since filed a motion for a certificate of appealability.

In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. Petitioner's objections demonstrate his disagreement with the Magistrate Judge's conclusions, but petitioner's analysis does not reveal any factual or legal error by the Magistrate Judge. The Magistrate Judge fully and properly addressed each ground for habeas corpus relief petitioner presented. The Court therefore denies the objections and issues this Judgment pursuant to FED. R. CIV. P. 58.

The Court must further determine pursuant to 28 U.S.C. § 2253(c) whether to grant a certificate of appealability as to the issues raised. The Court must review the issues individually. *Slack v. McDaniel*, 529 U.S. 473 (2000); *Murphy v. Ohio*, 263 F.3d 466, 466-67 (6th Cir. 2001).

“Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: The petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack*, 529 U.S. at 484. Upon review, this Court finds that reasonable jurists would not find the Court’s assessment of petitioner’s claims debatable or wrong. A certificate of appealability will therefore be denied as to each issue asserted.

**THEREFORE, IT IS ORDERED** that the objections (Dkt 7) are DENIED and the Report and Recommendation of the Magistrate Judge (Dkt 6) is APPROVED and ADOPTED as the opinion of the Court.

**IT IS FURTHER ORDERED** that the petition for habeas corpus relief (Dkt 1) is DISMISSED for the reasons stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that petitioner’s motion for a certificate of appealability (Dkt 9) is DENIED as to each issue asserted.

Date: July 29, 2008

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge